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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/561,486

Filing Date: October 18, 2006

Appellant(s): MUIR ET AL.

Robert Linley Muir
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/10/2010 appealing from the Office action mailed 06/22/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-4, 6-20, 22-33, and 44-50.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,429,361	Raven	7-1995
5,954,583	Green	9-1999
2003/0220138	Walker	11-2003
6,638,169	Wilder	10-2003
7,107,245	Kowalick	9-2006
6,634,942	Walker	10-2003
5,265,874	Dickenson	11-1993
6,916,244	Gatto	7-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 4, 6-13, 46, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven (U.S. Patent No. 5,429,361) in further view of Green (U.S. Patent No. 5,954,583).

Re claims 1, 9, 10, and 11: Raven discloses a gaming system including a system controller (column 1, lines 50-54, column 2, lines 43-65: wherein the system controller is a MASTERCOM), a plurality of gaming machines (column 1, lines 51-54), a communications system connecting each of the plurality of gaming machine to the system controller (Fig. 3: wherein wires connect the game machine to the system controller), and a player identification device having an associated player credit (column 7, lines 3-10; column 11, lines 24-40), each of the gaming machines each having (1) a credit recording facility (column 10, lines 59-65), (2) a player input device (Abstract: a player input device is a card reader), (3) a player identification input device responsive to a player identification device (column 7, lines 3-10; column 10, lines 38-64; column 11, lines 24-40: the player identification device is a magnetic card or smart card); and (4) a game controller to play a game when a player has established a credit in the credit recording facility of the selected gaming machine(column 3, lines 12-16; column 10, lines 52-64; column 11, lines 1-13: wherein the game controller is a microprocessor), wherein the credit establishment facility includes a terminal connected to communications system for transfer of player credits via the communication system to a selected gaming machine selected for play of a game (Fig. 3 & column 10 lines 55-64: the main computer is a terminal connected to the communications system that transfers credits to the game machine), said terminal located remotely from the selected gaming machine (Fig. 3: the main computer, object 16, is remotely located from the selected game machine) and arranged to establish a player credit and to associate that credit

with a player identification device of the player establishing the credit (column 10 lines 55-64: the main computer sends credit to the gaming device only after the player has inputted their player card with an associated personal identification number), and wherein said player credit is transferred to the gaming machine selected for play (column 10 lines 55-64: the credits are transferred to the game machine) and said player credit being held in said credit recording facility of the gaming machine selected for play, and wherein the gaming machine is locked so that the one gaming machine no longer operates to play a game by any player (column 8, lines 14-36), solely at a time when player credit held in the credit recording facility of the one gaming machine is non-zero, and automatically unlocked to allow play when a player tracking device is afterward supplied to the tracking input device of another gaming machine, and credit associated with the credit held in the credit recording facility of the one gaming machine is automatically transferred to the credit recording facility of the other gaming machine in response to the player tracking device being supplied to the tracking input device of the other gaming machine.

Raven fails to disclose that the machine is locked solely when player credit held in the credit recording facility of the respective machine is non-zero. Therefore attention must be directed towards Green which states that “if there are no credits left on the machine at the end of play there is no need to insert the key—the machine will automatically be released after predetermined time.” Green further states that “a member may reserve a machine, with credits on it, and without having his key actually in the machine,” and thus

Green provides reserving a game machine solely when player credit is held in the machine. It would have been obvious to one skilled in the art to modify the invention of Raven with the requirement that a reserved machine have player credits as taught by Green, for the purpose of preventing game machines from becoming unprofitable due to their un-usability while having no player credits stored on them.

Re claim 4: Raven fails to disclose that each gaming machine connected to the system includes a timeout device such that when the machine is locked for more than a predetermined time any credit held in the credit recording facility of the machine is transferred to the system controller and held there for the player and the machine is unlocked to allow another player to establish a credit in the credit recording facility of the machine and to commence play. Therefore attention must be directed towards Green which discloses such (column 12, lines 9-25; column 9, liens 1-3). It would have been obvious to one skilled in the art to modify the invention of Raven so that credits on a reserved gaming machine are placed in a secure location as taught by Green for the purpose of protecting players from losing their credits.

Re claim 6: Raven discloses with respect to the system as claimed in claim 1 that the player credit established by the credit establishment facility and associated with a player identification device of a player establishing the credit is held in the system controller (column 11, lines 58-61).

Re claim 7: Raven discloses that each gaming machine connected to the system includes a credit importing facility such that when a player identification device is supplied to a gaming machine that is not currently holding a player credit in its credit recording facility and is unlocked, the gaming machine will signal the system controller to transfer the players credit of the player supplying the player identification device to the credit recording facility of the respective gaming machine (Abstract; column 10, lines 52-64) wherein the credit importing facility is microprocessor which updates the gaming machine display with the received credits.

Re claims 8: Raven discloses that the player credit held in the system controller is transferred to the credit recording facility of the machine selected by the player when the player inserts the associated player identification tracking device into the player identification input device of the selected machine (column 10, lines 47-64).

Re claim 12: Raven discloses that the token is issued by a gaming establishment as an in-house mechanism (column 11, lines 27-28).

Re claim 13: Raven discloses that the token is a financial transaction card issued by a remote financial institution wherein the financial transaction card is a credit card (column 10, lines 44-47, 55-59).

Re claims 46, 48: As stated in claim 1, Raven as modified by Green would be locked solely to be locked/reserved, there must be credits present on the game machine and Raven discloses that credits on the game machine are transferred from the credit establishment facility to the gaming machine (column 10, lines 44-64). Raven further discloses that when locked, no other player can play the game machine and thus play is prevented when the game machine is supplied with the player identification device of another player.

Re claim 47: Raven detects that the selected game machine is in use prior to the reservation process, simply by detecting that there is a player.

2. Claims 2, 3, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Walker (US PG PUB 2003/0220138)

Re claims 2: Raven discloses the actuating of a plurality of buttons to instantiate a reservation of a game machine (column 8, lines 14-39). However, Raven fails to disclose that the gaming machines connected to the system includes a singular reservation button and wherein said player action includes actuation of said reservation button. Therefore attention must be directed towards Walker which discloses a gaming machine similar to that of Raven discloses a reservation button wherein the reservation button is a “freeze button” that when pressed while the player tracking means is present

causes the machine to lock and prevent further play in the absence of the respective player tracking means (0227; 0265). Because both Raven and Walker disclose actuating a button or buttons to proceed with a reservation process, it would have been obvious to one skilled in the art to simply substitute the plural buttons of Raven with the singular button of Walker, for the purpose of making reserving a game machine easier to reserve by limiting the amount of buttons that need to be actuated.

Re claims 3: Under the operation of the combination of Raven and Walker as stated above, the game machine must contain player's credit, because Raven states that when a player's credit is zero the player must replenish their account in order to continue (column 11, lines 37-40).

Re claim 44: Raven discloses that said player action further includes use of said player identification device wherein the player identification device must be placed into the machine before reservation means can progress (column 8, lines 25-30).

Re claim 45: Raven discloses that the player action includes removal of said player identification card from said player identification device (column 8, lines 25-30).

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Wilder (U.S. Patent 6,638,169).

Re claims 14: Raven fails to disclose that the token is a ticket is a ticket readable by an acceptor mounted within the gaming machine. However, Wilder discloses such (column 4, lines 5-29) containing a plurality of information (column 4, lines 14-15) which one skilled in the art would reasonably assume is player information. Because both Raven and Wilder disclose methods of transferring player information to the gaming machine, it would have been obvious to one skilled in the art to replace the card means of Raven for the ticket means of Wilder for the purpose of placing credits onto a medium that is redeemable outside of the casino, for merchandise and for restaurants.

4. Claims 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Kowalick (U.S. Patent No. 7,107,245).

Re claims 15, 16, and 17: Raven fails to disclose that the player identification input device is a bio-sensor input device and the player identification device is a physical attribute of the player. However, Kowalick discloses that the player identification input device is a bio-sensor containing a biometric sample (Abstract) wherein the biometric sample can include a fingerprint or an eye scanner (column 2, lines 11-15). It would have been obvious to one skilled in the art to modify the invention of the invention of Raven with a biometric sensor to identify a player's identity for the purpose of providing a player token that can not be fraudulently copied and reproduced.

5. Claims 18, 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Walker (US Patent No. 6,634,942).

Re claim 18, 25, 26, 27, : Raven discloses a gaming system including a system controller (column 1, lines 50-54, column 2, lines 43-65) wherein the system controller is a MASTERCOM, a plurality of gaming machines (column 1, lines 51-54), a communications system connecting each of the plurality of gaming machine to the system controller wherein wires connect the game machine to the system controller (Fig. 3), and a player identification device having an associated player credit (column 7, lines 3-10; column 11, lines 24-40), each of the gaming machines each having (1) a credit recording facility (column 10, lines 59-65), (2) a player input device (Abstract) wherein a player input device is a card reader, (3) a player identification input device responsive to a player identification device (column 7, lines 3-10; column 10, lines 38-64; column 11, lines 24-40) wherein the player identification device is a magnetic card or smart card; and (4) a game controller to play a game when a player has established a credit in the credit recording facility of the respective gaming machine(column 3, lines 12-16; column 10, lines 52-64; column 11, lines 1-13) wherein the game controller is a microprocessor, game machine is locked to prevent play of the gaming machine by any player (column 8, lines 14-36), via player action and unlocked when the machine is supplied via the identification input device (column 8, lines 14-36), with the player identification device associated with the credit held in the credit recording facility of the respective gaming machine(column 8, lines 14-36).

Raven fails to disclose that the machine is locked solely when player credit held in the credit recording facility of the respective machine is non-zero. Therefore attention must be directed towards Green which states that "if there are no credits left on the machine at the end of play there is no need to insert the key-the machine will automatically be released after predetermined time." Green further states that "a member may reserve a machine, with credits on it, and without having his key actually in the machine," and thus Green provides reserving a game machine solely when player credit is held in the machine. It would have been obvious to one skilled in the art to modify the invention of Raven with the requirement that a reserved machine have player credits as taught by Green, for the purpose of preventing game machines from becoming unprofitable due to their un-usability while having no player credits stored on them. Raven in view of Green fails to disclose that the gaming machine is locked so that when a player tracking device is supplied to the tracking input device of another gaming machine, and credit associated with the credit held in the credit recording facility of the one gaming machine is transferred to the credit recording facility of the other gaming machine. Therefore, attention must be directed towards Walker which discloses that a player can play a game machine and then proceed to another game machine and by inserting their card, unlock the previous game machine. In addition the player can receive a credit balance that results in a payout from the previous game machine (column 15, lines 37-57) or even resume play of the previous game (column 16, lines 7-11), which both require the game machine to inherently have a credit recording facility that counts and displays the

credit of the game. It would have been obvious to one skilled in the art to modify the game system of Raven to allow players to reestablish gameplay on another game machine and remove the reservation of a previous game machine as taught by Walker, for the purpose of allowing more players to play more game machines, thus increasing the revenue of the casino.

Re claim 22: Raven discloses that a player credit is established by a credit establishment facility and associated with a player tracking device of a player establishing the credit wherein the credit establishment facility is the casino in control of the system controller, said player credit to be held in the system controller wherein the player tracking device is the player identification card (column 10, lines 44-64).

Re claim 23: Raven discloses that each gaming machine connected to the system includes a credit importing facility such that when a player identification device is supplied to a gaming machine that is not currently holding a player credit in its credit recording facility and is unlocked, the gaming machine will signal the system controller to transfer the players credit of the player supplying the player identification device to the credit recording facility of the respective gaming machine (Abstract; column 10, lines 52-64) wherein the credit importing facility is microprocessor which updates the gaming machine display with the received credits.

Re claims 24: Raven discloses that the player credit held in the system controller is transferred to the credit recording facility of the machine selected by the player when the player inserts the associated player identification tracking device into the player identification input device of the selected machine (column 10, lines 47-64).

Re claim 28: Raven discloses that the token is issued by a gaming establishment as an in-house mechanism (column 11, lines 27-28).

Re claims 29: Raven discloses that the token is a financial transaction card issued by a remote financial institution wherein the financial transaction card is a credit card (column 10, lines 44-47, 55-59).

6. Claims 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Walker in further view of Walker (US PG PUB 2003/0220138).

Re claim 19: Raven discloses the actuating of a plurality of buttons to instantiate a reservation of a game machine (column 8, lines 14-39). However, Raven fails to disclose that the gaming machines connected to the system includes a singular reservation button and wherein said player action includes actuation of said reservation button. Therefore attention must be directed towards Walker which discloses a gaming machine similar to that of Raven discloses a reservation button wherein the reservation

button is a “freeze button” that when pressed while the player tracking means is present causes the machine to lock and prevent further play in the absence of the respective player tracking means (0227; 0265). Because both Raven and Walker disclose actuating a button or buttons to proceed with a reservation process, it would have been obvious to one skilled in the art to simply substitute the plural buttons of Raven with the singular button of Walker, for the purpose of making reserving a game machine easier to reserve by limiting the amount of buttons that need to be actuated.

Re claims 20: Under the operation of the combination of Raven and Walker as stated above, the game machine must contain player's credit, because Raven states that when a player's credit is zero the player must replenish their account in order to continue (column 11, lines 37-40).

7. Claims 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Walker in further view of Wilder (U.S. Patent 6,638,169).

Re claim 30: Raven fails to disclose that the token is a ticket is a ticket readable by an acceptor mounted within the gaming machine. However, Wilder discloses such (column 4, lines 5-29) containing a plurality of information (column 4, lines 14-15) which one skilled in the art would reasonably assume is player information. Because both Raven and Wilder disclose methods of transferring player information to the gaming machine, it

would have been obvious to one skilled in the art to replace the card means of Raven for the ticket means of Wilder for the purpose of placing credits onto a medium that is redeemable outside of the casino, for merchandise and for restaurants.

8. Claims 31, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in view of Walker in further view of Kowalick (U.S. Patent No. 7,107,245).

Re claims 31, 32, 33: Raven fails to disclose that the player identification input device is a bio-sensor input device and the player identification device is a physical attribute of the player. However, Kowalick discloses that the player identification input device is a bio-sensor containing a biometric sample (Abstract) wherein the biometric sample can include a fingerprint or an eye scanner (column 2, lines 11-15). It would have been obvious to one skilled in the art to modify the invention of the invention of Raven with a biometric sensor to identify a player's identity for the purpose of providing a player token that can not be fraudulently copied and reproduced.

9. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green, in further view of Dickenson (U.S. Patent No. 5,265,874).

Re claim 49: Raven as modified by Green fails to disclose with respect to the gaming system of claim 1 wherein said terminal is a cashier's terminal operable by a cashier.

However, Dickenson discloses that after a player leaves a gaming machine by removing their card from the gaming machine wherein credits are transferred to the central server, players can go to cashier terminal to receive a cash out (column 4, lines 30-42). Raven, like Dickenson discloses that a player can proceed to a cashier to redeem their earnings (column 11, lines 21-23) and therefore it would have been obvious to one skilled in the art to modify the game system of Raven with the cashier terminal of Dickenson for the purpose of allowing players to cash out their earnings.

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raven in view of Green in further view of Gatto et al. (U.S. Patent No. 6,916,244).

Re claim 50: Raven as modified by Green fails to disclose that the gaming system of claim 1 wherein said terminal is cash in/cash out terminal operable by the player. However, Gatto discloses an automated cashier terminal in which credits associated with an ID instrument is redeemed (column, lines 17-34 & lines 14-24) and money is dispensed into the ID account (column 4, lines 51-55). It would have been obvious to one skilled in the art to modify the invention of Raven with the automated cashier terminals of Gatto for the purpose of speeding up service to the players when attempting to cash in and cash out credits.

(10) Response to Argument

To begin examiner acknowledges the typographical errors made in the headings of the previous rejection and has corrected those minor issues. Furthermore, examiner acknowledges that due to a typographical error claim 31 was not identified within the rejection. As shown above, claim 31 should have been included in the rejection of claims 32 and 33 that depend on claim 31, as the subject matter for claim 31 was identified and rejected in this part of the action under Kowalick (Final Office Action 06/22/2010, Page 15). In addition, claim 15 which was included in the previous rejection states subject matter similar to claim 31 and is rejected under Kowalick.

Examiner disagrees with appellant's argument A.1.a "Neither Raven nor Green disclose player credit transferred and held in a gaming machine prior to the gaming machine being supplied with a player's card associated with the transferred player credit." To summarize the above, Examiner interprets Raven as a game system that transfers credits from a credit storing facility to the gaming machine when a player inserts their card into the card reader (column 10, lines 44-64). Once at the game machine, the player can reserve the gaming machine by entering a code, in which the game machine sends the gaming machine's credits to the server, and locks itself from play by any other person (column 8, lines 24-39). When the player returns to the gaming machine he can insert his card again, to unlock and play the game machine, at the exact state the gaming machine was at before it was reserved by transferring credits from the server back to the gaming machine (column 8, lines 24-39). Examiner notes that a main deficiency in appellant's claim language is that it fails to state who is

selecting the particular game machine. While appellant may believe that there is a particular process in selecting the machine, this is not stated in the claim language.

Thus, a game machine can be selected by a player by simply attending the game machine. Therefore a player can select a gaming machine by inserting his card, reserve the game machine, leave the game machine, and return to the gaming machine and transfer credits back to the gaming machine solely by inserting their game card.

Furthermore, to address claim 46, Raven discloses this step as the game machine is locked to prevent play as credits have been previously transferred to the game machine, which takes place prior to the player returning to the game machine with their player identification card.

In response to appellant's argument A.1.b, Raven does not disclose a terminal remotely located from the selected gaming machine for establishing and transferring of credits, Examiner disagrees. Raven discloses a central bank account where the player can establish credit by requesting an amount for the purpose of using as credit, and transferring those credits to the game machine (column 10, lines 49-64).

In response to appellant's argument B.1, stating that the player can not cancel a reservation at a game machine; and in addition, the computer system of Walker does not transfer credits from a reserved game machine to a new game machine, Examiner disagrees as this is explicitly stated within Walker (column 15, lines 37-57).

In response to appellant's argument B.2, B.3, B.4, B.5, appellant argues that particular dependent claims do not cure the deficiencies of claim 18; however Examiner has explained that claim 18 is not deficient as discussed above.

In response to appellant's argument B.6, stating that Raven does not disclose claim 23, Examiner disagrees. Examiner argues that claim 23 is exactly what Raven does. Raven discloses when a gaming machine is unlocked the player can insert his player tracking card and transfer credit from a credit recording facility to the game machine. Examiner notes that appellant's arguments does not actually distinguish Raven from the instant application but instead states information that is irrelevant to showing such that the two are distinguished. Particularly, Examiner notes that appellant has not stated why Raven requiring players to repeatedly insert their player tracking device is relevant.

In response to appellant's argument B.7, stating that Raven does not disclose claim 24, Examiner disagrees. Examiner notes that appellant has not explained how the fact that Raven requires players to repeatedly insert their player tracking device is relevant. Furthermore, appellant states that Raven fails to teach the feature of claim 24 that credit held in the system controller is transferred to the recording facility of the selected gaming machine when the player inserts the player tracking apparatus into the tracking input device of the selected machine. However, this too is false as Raven transfers credits to the recording feature of the game machine from the main computer to the gaming machine, when the player initially inputs the game card into the game machine (column 10, lines 47-64)..

In response to appellant's argument C, stating that Raven's MASTERCOM is not a system controller, Examiner disagrees. Appellant argues that because the MASTERCOM can be located within the gaming machine, it is not a remote system

controller. However, examiner notes that Figure 10, shows the gaming system wherein game machines 10 are remotely located from gaming machine 12, and uses that same MASTERCOM to communicate to the CIU, 18, and Main Computer, 12. Therefore the MASTERCOM is a system controller because it controls the system and instructs the various system components. Simply, without the MASTERCOM the system would not have a controlling feature, because the game components would not be able to communicate with one another nor send instructions between them.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Reginald A Renwick/

Examiner, Art Unit 3714

Conferees:

/David L Lewis/

Supervisory Patent Examiner, Art Unit 3714

/Melba Bumgarner/

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